



City of Deltona

Chairman
David McKnight

Vice-Chairman
Tom Burbank

Members:

Victor Ramos

Wendy Hickey

Noble Olasimbo

Adam Walosik

Herb Zischkau

Staff Liaison
Chris Bowley, AICP

PLANNING & ZONING BOARD MEETING
WEDNESDAY, MAY 21, 2014

7:00 P.M.

CITY HALL COMMISSION CHAMBERS
2345 PROVIDENCE BOULEVARD
DELTONA, FLORIDA 32725

AGENDA

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **APPROVAL OF MINUTES: March 19, 2014**
4. **PUBLIC COMMENTS:**
5. **OLD BUSINESS:**
6. **NEW BUSINESS:**
 - A. **RZ14-004, Amendment to the Official Zoning Map (Ordinance No. 09-2014).**
7. **MEMBER COMMENTS:**
8. **ADJOURNMENT:**

NOTE: If any person decides to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.

Deltona Municipal Complex, 2345 Providence Blvd., Deltona, FL 32725
(386) 878-8100; FAX: (386) 878-8501
City Webpage: www.deltonafl.gov

**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, MARCH 19, 2014**

A Regular Meeting of the Deltona Planning and Zoning Board was held on Wednesday, March 19, 2014, in the City's Commission Chambers located at 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman McKnight.

2. ROLL CALL:

Chairman	David McKnight	Present
Member	Victor Ramos	Present
Vice-Chairman	Tom Burbank	Present
Member	Wendy Hickey	Present
Member	Noble Olasimbo	Present
Member	Adam Walosik	Absent-Excused
Member	Herb Zischkau	Present

Also present: Planning & Development Director, Chris Bowley, AICP; Assistant Director of Planning and Development, Ron Paradise; City Attorney, Becky Vose; Administrative Assistant, Kathrine Kyp.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting – February 19, 2014.

Motion by Member Burbank, seconded by Member Ramos to adopt the minutes of the Planning & Zoning Board Meeting of February 19, 2014, as presented.

Motion carried unanimously.

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. RZ13-009, Amendment to the Official Zoning Map (Ordinance No. 04-2014).

Mr. Paradise provided a brief summary of the rezoning application. The proposal of the rezoning application is to rezone ±3.9 acres of land from Office Residential (OR) to the General

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City of Deltona, Florida
Planning & Zoning Board Meeting
March 19, 2014
Page 2 of 4

1 Commercial (C-2). He spoke regarding the level of service (LOS) of Saxon Boulevard, located
2 around the proposed rezoning, which is currently at an LOS F and the access that this application
3 proposes. He stated that the access does not comport with the spacing requirements set forth
4 within the City's Land Development Code. He said the information regarding traffic and access
5 was mentioned only to inform the public and appointed officials, but it cannot be used to condition
6 the rezoning, since this is a straight rezoning application request. Ms. Vose confirmed.

7
8 Member Zischkau and Ms. Vose discussed exaction of the rights of way and whether it could be
9 imposed at this point. Ms. Vose explained that only during the land development stage, exaction
10 could be imposed, not during a rezoning.

11
12 Member Burbank asked Mr. Paradise, if he was aware of the sinkhole being used as an active
13 stormwater retention area. Mr. Paradise confirmed and explained the description, sinkhole, was
14 used as a natural resource description only. Member Burbank asked, regarding the current LOS on
15 Saxon Boulevard, how will this project and the traffic projected, affect the Saxon Sterling Silver
16 approval, if the LOS is currently at F +7% with the allowance of up to 20%. Mr. Paradise stated
17 the traffic impact analysis for the rezoning took the Saxon Sterling Silver project into account.

18
19 Brief discussion commenced amongst the Board and staff, regarding St. Johns River Water
20 Management District permits and pre and post conditions for stormwater management located at
21 the site. Mr. Bowley stated that the project would have to be designed, engineered, and permitted
22 for pre and post drainage conditions with the SJRWMD. This will address current conditions at
23 Finland Drive and likely result in an urban cross-section of Finland Drive with curb and gutters.

24
25 Chairman McKnight asked Ms. Vose for clarification regarding the rezoning application; the
26 Board is not to look at what the development is intended to be, but that it is before them as a
27 rezoning application only? Ms. Vose concurred.

28
29 Tom Sullivan, Esq. attorney for the Gray Robinson Law Firm, on behalf of the applicant,
30 RaceTrac, spoke briefly regarding the rezoning application. Chairman McKnight asked if any of
31 the homeowners in the area have been approached to purchase the homes. Mr. Sullivan stated that
32 they are under contract with the homes within the project and no additional property owners have
33 been contacted for purchase. Member Zischkau asked Mr. Sullivan, if the applicant for the
34 rezoning owned all the property listed within the application. Mr. Sullivan, stated that the property
35 is under contract for purchase at this time.

36
37 Member Olasimbo discussed with the applicant's Traffic Engineer, Chris Walsh, P.E., Traffic
38 Engineering Data Solutions, 80 Spring Vista Dr. DeBary, FL 32713 the traffic study and areas of
39 concern within the study, such as proper methods for the area, as well as other models that could
40 be used.

41
42 Chairman McKnight opened the Public Hearing.

43
44 Richard Peach, 529 S. Clancy Dr. Deltona, FL spoke in regards to the residential area surrounding
45 the rezoning site showing gopher tortoise activity coming through his backyard towards the site.
46 He spoke on his concerns regarding the water retention area that accumulates on the north side of

1 the power lines and the current congested traffic during the work commute on Finland Drive
2 heading toward Saxon Blvd.

3
4 Lisa Rivera, 560 N. Apache Cir. Deltona, FL spoke in regards to the residential lots abutting the
5 commercial rezoning application. She asked the Board if they were to consider the proposed
6 development of a gas station, to mirror the Orange City location, with a one-way in and one-way
7 out from Finland Drive.

8
9 Chairman McKnight closed the Public Hearing.

10
11 Member Burbank discussed the sale of Track K, which included a drainage right of way. He also
12 stated his other concerns regarding the drainage patterns among Finland Drive and Saxon
13 Boulevard. He discussed imposing conditions on the approval, the Owner/Developer grant to the
14 City of Deltona a drainage and maintenance easement on the property currently platted as a
15 drainage right of way and that the Owner/Developer grant to the City of Deltona an ingress and
16 egress easement encompassing that portion of the final development to be set aside for stormwater
17 retention.

18
19 Discussion ensued between the Board and staff regarding elevation requirements, fencing and
20 buffering. Mr. Bowley stated that the site would be graded in relation to the existing topography to
21 break the grade. Also, for any C-2 zoning district use developed on-site, neighborhood
22 compatibility would be paramount and there would be buffering, screening, and directional site
23 lighting away from residences.

24
25 Chairman McKnight reiterated to the Board that what they are considering here is an application
26 to a rezone the site, and not an application of a gas station.

27
28 Chairman McKnight opened the floor for a motion.

29
30 **Motion by Member Olasimbo, seconded by Member Zischkau, to recommend that the City**
31 **Commission approve, RZ13-009, Amendment to the Official Zoning Map (Ordinance No.**
32 **04-2014).**

33
34 **Motion passes unanimously.**

35
36 **Amended motion by Member Olasimbo, seconded by Member Zischkau, to recommend that**
37 **the City Commission send the Site Plan application back to the Board for review and**
38 **recommendation.**

39
40 **Amendment to the Motion passes with members voting as follows: Chairman McKnight,**
41 **against; Member Burbank, for; Member Olasimbo, for; Member Ramos, against; Member**
42 **Hickey, for; and Member Zischkau, for.**

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44 **7. DISCUSSION:**

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46 **A. By the Board: None.**

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B. By the City Attorney: None

C. By Planning & Development Staff: None

8. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:00 p.m.

ATTEST:

David McKnight, CHAIRMAN

Kathrine Kyp, RECORDING SECRETARY

Memorandum

To: Planning and Zoning Board

From: Chris Bowley, AICP

Date: May 1, 2014

Re: Project No. RZ14-04, Amendment to the BPUD Development Agreement for the property known as Saxon Plaza located at 2120 Saxon Blvd.

I. SUMMARY OF APPLICATION:

APPLICANT: Saxon Plaza LLC
C/O Kim C. Booker
1019 Town Center Drive Suite 201
Orange City, FL 32763

Request: The City of Deltona Planning and Development Services Department has received an application to amend the Business Planned Unit Development (BPUD) Development Agreement of the Saxon Plaza property to allow a “Daycare Center” as a permitted principal use.

A. SITE INFORMATION:

- 1. Tax Parcel No.:** 8024-02-00-0040
- 2. Property Addresses:** 2120 Saxon Boulevard
- 3. Property Acreage:** ±3.49 Acres
- 4. Property Location:** Located south and east of the Saxon/I-4 interchange, in the Saxon Plaza.
- 5. Property Legal Description:** LOT 4 ALBERTSONS MAP BOOK 46 PAGES 46-47 PER ORDINANCE BOOK 4867 PAGE 1543; PER ORDINANCE BOOK 6858 PAGES 1398-1400.

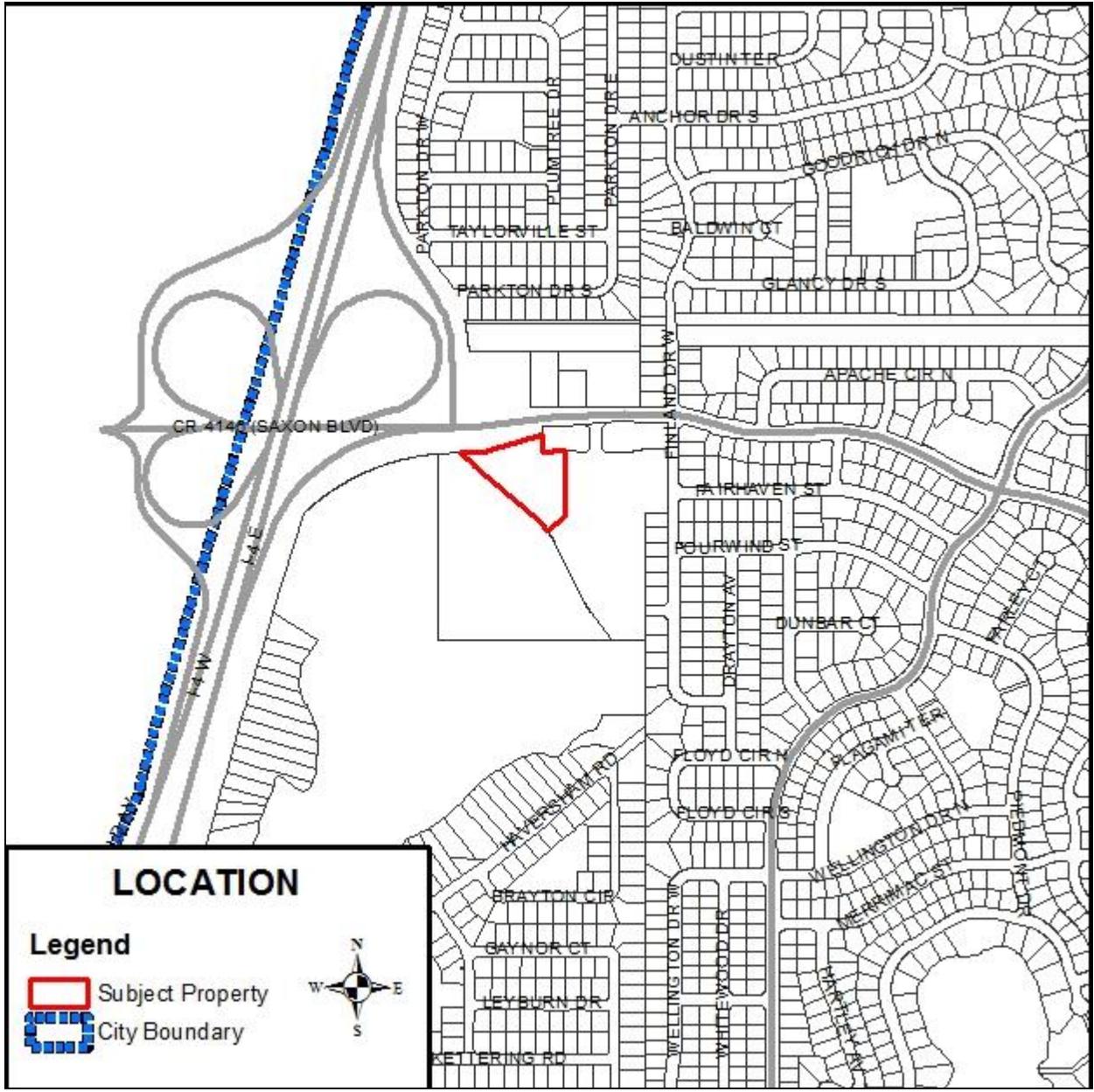


Figure 1: Location Map



Figure 2: Aerial Photo

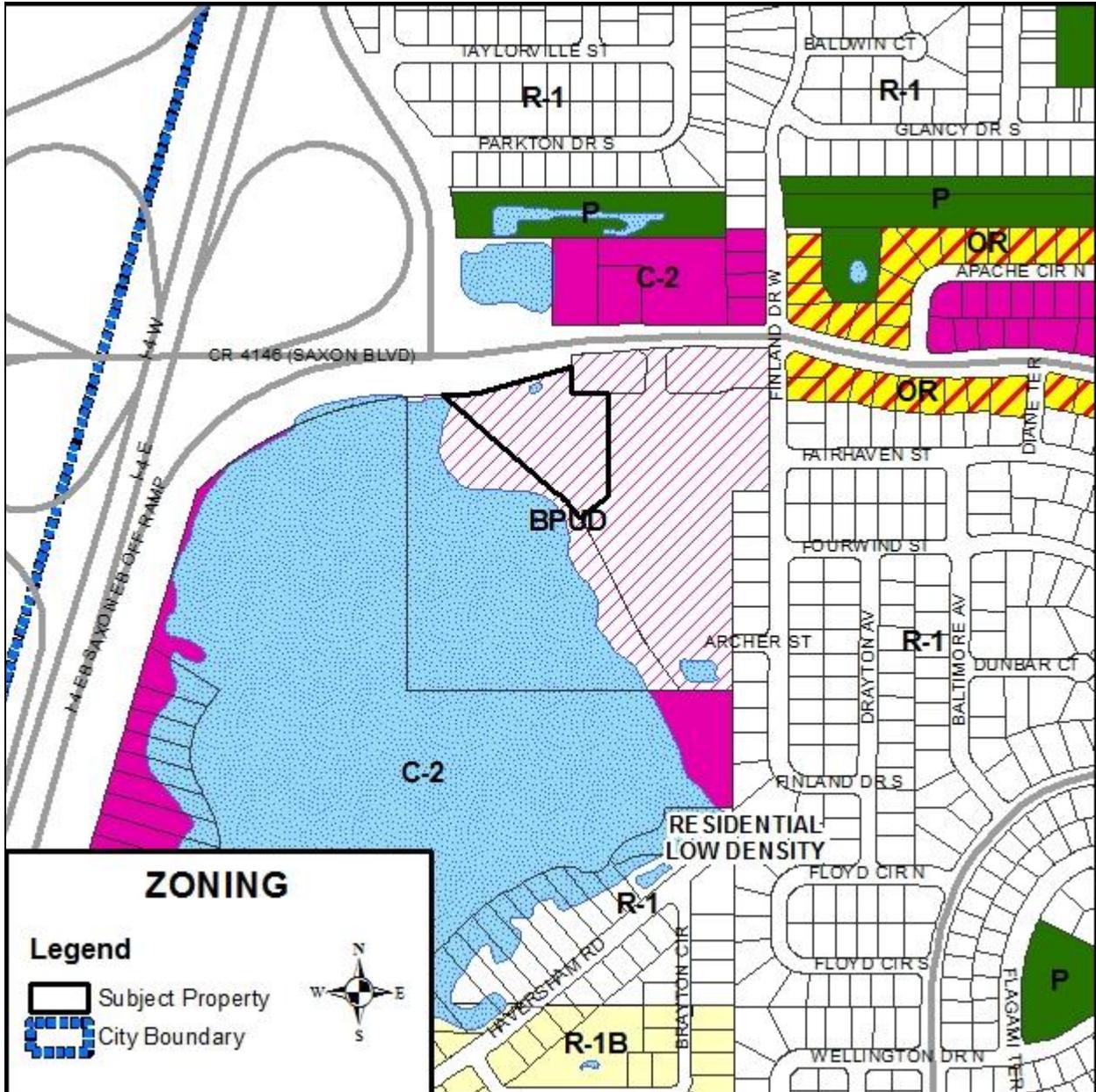


Figure 3: Existing Zoning

B. Existing Zoning:

1. **Subject Property:**
Existing: BPUD
Requested: BPUD, Amending the Development Agreement

2. **Adjacent Properties**
North: C-2, General Commercial

South: BPUD
East: BPUD
West: BPUD, & C-2, General Commercial

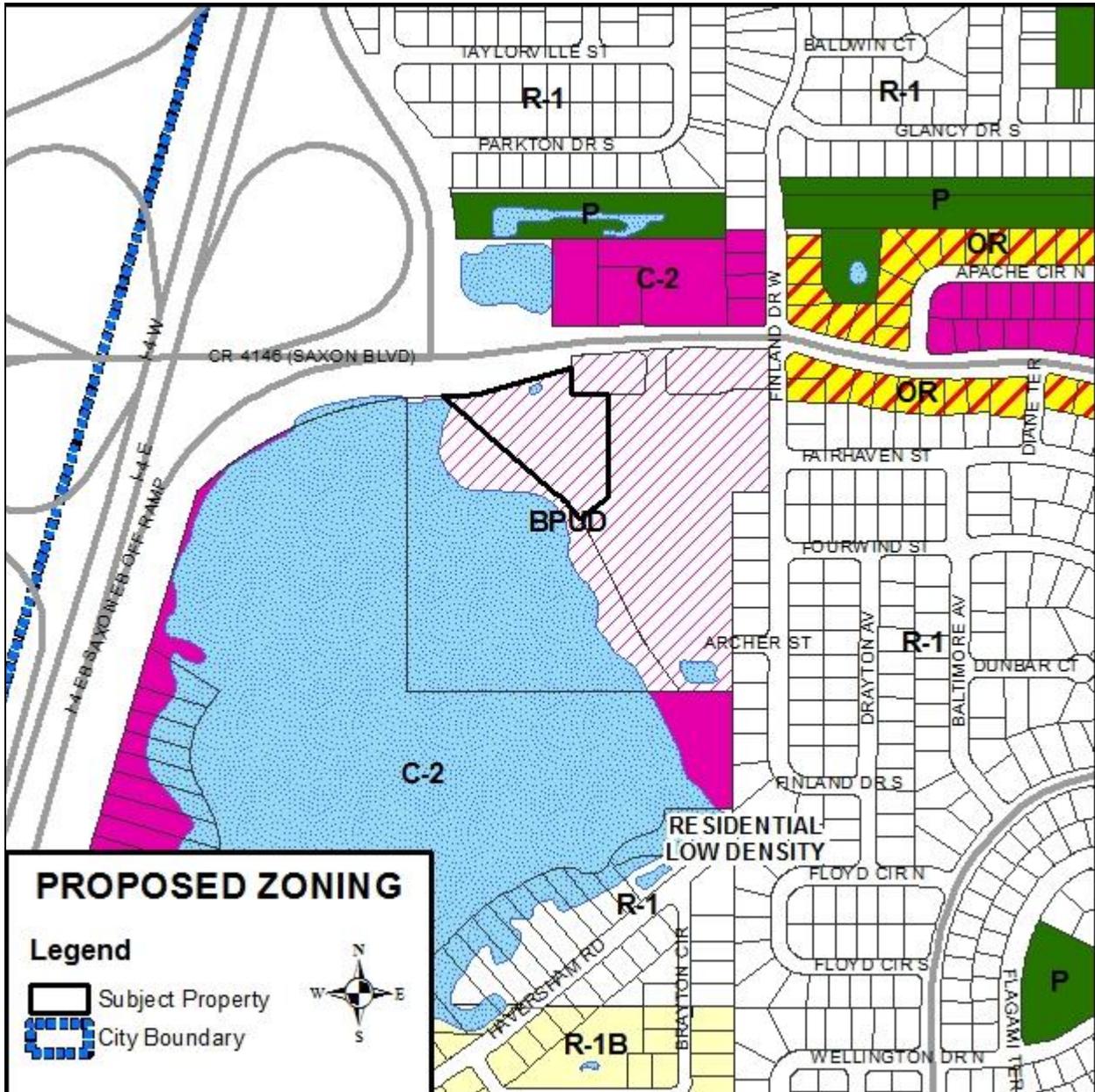


Figure 4: Proposed Zoning

C. Proposed Zoning:

Business Planned Unit Development (BPUD) While the subject property owner has applied for a rezoning, the rezoning event is actually an amendment to the BPUD Development Agreement that establishes uses and other zoning perimeters for the Saxon Plaza property. The applicant is requesting the addition of “Daycare Center” to the list of permitted uses.

D. Back Ground

The Saxon Plaza BPUD predates the incorporation of the City of Deltona, dating back to 1991. Formerly known as the Albertsons Plaza, this Deltona Icon has long been an established gateway facility. The applicant has asked that “Day Care facility for special needs children” be added to the list of uses. The City zoning code does not differentiate between special needs child daycare and other types of daycare. The addition of “Day Care Center” to the list of uses would be consistent with a daycare being a permitted principal use in the C-1 zoning. However, a Conditional Use Permit would be required for a daycare facility in the C-2 zoning. Staff believes that this use will not diminish the functionality or viability of the plaza or the gateway.

E. Support Information

Public Facilities

- a. Potable Water: to be supplied by Deltona Water
- b. Sanitary Sewer: to be supplied by Deltona Water
- c. Fire Protection: City Fire Station 62
- d. Law Enforcement: Volusia County Sheriff’s Office (VCSO)
- e. Electricity: Duke Energy (FKA Progress Energy)

F. **Matters for Consideration** – Section 110-1101, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for amendments to the Official Zoning Map:

1. Whether it is consistent with all adopted elements of the Comprehensive Plan.

The amended Development Agreement will not diminish the vision of the goals or the policies of the Comprehensive Plan. The proposed use would be orientated within the existing building.

2. Its impact upon the environment or natural resources.

The property is currently developed with a multiple unit retail plaza. Site modifications will have no impact on natural resources. The land is located on the Deland Ridge. The soil is predominately well drained Astatula Fine Sand. According to the February 2014 FEMA flood zone maps; the subject property is not located within the 100 year floodplain.

3. Its impact upon the economy of any affected area.

The proposed impact upon the local economy would be minimal.

4. Notwithstanding the provisions of Article XIV of the Land Development Code, Ordinance No. 92-25 [Chapter 86, Code of Ordinances] as it may be amended from time to time, its impact upon necessary governmental services, such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.

- a. Schools: The Volusia County School Board staff has indicated that this rezoning will not affect local schools.
- b. Sewage Disposal: The site will be served by City sewer and capacity is available.
- c. Potable Water: Deltona Water will serve the site and sufficient potable water capacity is available.
- d. Drainage: At this time, no new impervious surfaces are planned. All site related stormwater runoff will be managed through the existing master planned system.
- e. Transportation Systems: Saxon Plaza is an existing commercial plaza and adding a Day Care Center to the list of permitted uses will do little to affect the flow of traffic.

Votran Transportation is available via bus route 23.

5. Any changes in circumstances or conditions affecting the area.

None.

6. Any mistakes in the original classification.

No known mistakes.

7. Its effect upon the public health, welfare, safety or morals.

Staff finds that the BPUD will have no negative effects on the public health, welfare, safety, or morals of the City.

CONCLUSION/STAFF RECOMMENDATION

Staff recommends that Ordinance 09-2014 be approve, adding Daycare Center to the BPUD Development Agreement list of uses for the Saxon Plaza Property.

ORDINANCE NO. 09-2014

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE ALBERTSON'S PLAZA BUSINESS PLANNED UNIT DEVELOPMENT AGREEMENT PER ORDINANCE BOOK 3730 PAGES 3430-3444 FOR THE FOLLOWING PARCEL: LOT 4 ALBERTSONS MAP BOOK 46 PAGES 46-47, LOCATED AT 2120 SAXON BOULEVARD TOTALING APPROXIMATELY ±3.49 ACRES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received an application to amend the Albertsons's Plaza Business Planned Unit Development (BPUD) by adding "Daycare Center" to the list of permitted uses of the BPUD Development Agreement approved on September 12, 1991;

WHEREAS, the City of Deltona, Florida, and its Land Planning Agency have complied with the requirements of Municipal Home Rule Powers Act, sections 166.011 et seq., Florida Statutes, in considering the proposed BPUD amendment; and

WHEREAS, after said public hearing, the City Commission of the City of Deltona, Florida, has determined that the Albertsons's Plaza BPUD will be amended to incorporate "Daycare Center" within the list of uses, and has further determined that said zoning action is consistent with the Comprehensive Plan of the City of Deltona, Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. The Albertsons's Plaza BPUD located in the City of Deltona, Florida, is hereby amended to incorporate "Daycare Center" along with related conditions as a permitted principal use for the following property: Parcel# 8024-02-00-0040, Lot 4 Albertsons Map Book 46 Pages 46-47.

SECTION 2. This Ordinance is adopted in conformity with and pursuant to the Comprehensive Plan of the City of Deltona, the Local Government Planning and Land Development Act, Sections 163.161 et. Seq., Florida Statutes, and the Municipal Home Rule Powers Act, Sections 166.011 et. seq., Florida Statutes.

SECTION 3. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its final passage and adoption.

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA,
FLORIDA THIS _____ DAY OF _____ 2014.**

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

BY: _____
JOHN C. MASIARCZYK, MAYOR

ATTEST:

JOYCE RAFTERY, CMC, CITY CLERK

Approved as to form and legality
for use and reliance by the
City of Deltona, Florida

GRETCHEN R. H. VOSE, CITY ATTORNEY